



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY

1400 K STREET NW • WASHINGTON, D.C. 20424-0001

(202) 218-7910 FAX: (202) 482-6608

October 18, 2012

OFFICE OF THE GENERAL COUNSEL

Jennifer D. Hicks
416 South Star Avenue
Panama City, FL 32404

Re: Department of the Air Force
325th Fighter Wing
Tyndall Air Force Base, Florida
Case No. AT-CA-12-0203

Dear Ms. Hicks:

The Office of the General Counsel considered your appeal of the Regional Director's dismissal of the above unfair labor practice charge. For the reasons discussed below, the General Counsel denies your appeal.

The Regulations at 5 C.F.R. § 2423.11(e) provide the following grounds upon which the General Counsel may grant an appeal of a Regional Director's decision to dismiss an unfair labor practice charge: (1) the decision did not consider a material fact that would have resulted in issuance of complaint; (2) the decision is based on a finding of a material fact that is clearly erroneous; (3) the decision is based on an incorrect statement or application of the applicable rule of law; (4) there is no Authority precedent on the legal issue in the case; or (5) the manner in which the Region conducted the investigation has resulted in prejudicial error. *Id.* and 5 C.F.R. § 2423.11(f).

On appeal, you contend, among other things, that the Regional Director's decision is based on a finding of a material fact that is clearly erroneous. Specifically, you argue that the Regional Director erred in failing to find a formal discussion violation under 5 U.S.C. § 7116(a)(1) and (8). You also maintain that the manner in which the Region conducted the investigation has resulted in prejudicial error because the agent failed to interview additional witnesses.

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A review of the case file on appeal establishes that the investigation was conducted consistent with the Office of the General Counsel's Unfair Labor Practice Casehandling Manual. You failed to establish any ground for reversing the Regional Director's decision or remanding the case for further investigation under 5 C.F.R. § 2423.11(e). The Regional Director's dismissal letter is the written statement of the reasons why he dismissed the above allegations. See 5 U.S.C. § 7118(a)(1). The General Counsel affirms the Regional Director's reasons for not issuing a complaint. Thus, the General Counsel denies your appeal and the case is closed.

For the General Counsel.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Richard Zorn". The signature is fluid and cursive, with the first name "Richard" and last name "Zorn" clearly distinguishable.

Richard Zorn
Assistant General Counsel
for Appeals

cc: Regional Director, Atlanta

J. Alick Henderson, Captain, USAF, Litigation Attorney, AFLOA/LLFSC Eglin Regional Office,
210 N. First Street, Building 214, Eglin AFB, FL 32542

19 July 2012

Mr. Richard Zorn, Assistant General Counsel
Office of the General Counsel
1400 K. St., N.W., Second Floor
Washington, D.C. 20424-0001

Re: Status of Appeal to denial of FOIA request for a copy of case file AT-CA-12-0203

Dear Mr. Zorn,

I received your response to my request for an extension to appeal the dismissal of the above case number. However, you did not mention the status of my appeal regarding the denial of my previous FOIA request. Please provide me a time frame when I might receive this case file from Mr. Richard Jones, Atlanta Regional Director of Federal Labor Relations Authority. As you so graciously awarded me an extension to file my appeal, I want to make certain that I receive the requested documents in a timely manner. Thank you for your assistance and consideration to my request. I certify that I have faxed this letter to your office at 202-482-6608 and sent via U.S. Certified Mail, 70111570000164173868 on 19 July 2012.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jennifer D. Hicks".

Jennifer D. Hicks
Appellant